

REMARKS

Claims 3, 40, 42-50 and 65-67 are pending. Claims 39, 40 and 42-50 were withdrawn.

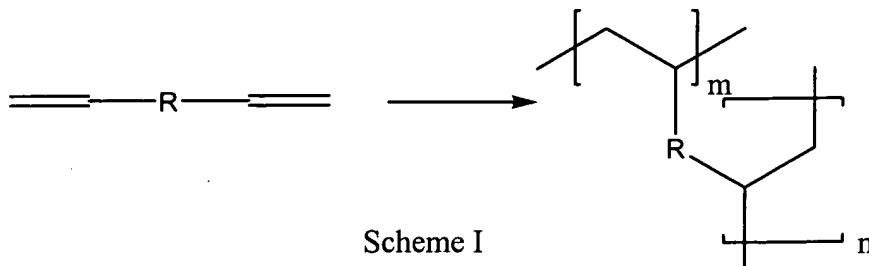
Claims 65-67 are rejected.

Rejections under 35 U.S.C. § 102

Claims 65-67 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,824,049 to Ragheb et al. ("Ragheb").

Claim 65 defines an implantable device comprising a coating. The coating comprises: (a) a reservoir layer comprising a polymer and a drug dispersed in the reservoir layer; and (b) a primer region free from any drugs located between the reservoir layer and the surface of the device. The primer region comprises a material selected from a group consisting of polyisocyanates, unsaturated polymers, high amine content polymers, acrylates, polymers containing a high content of hydrogen bonding groups, inorganic polymers, and any combination thereof.

The Examiner maintains that Ragheb describes an unsaturated polymer that includes two or more acrylate groups, citing the description of Ragheb at cols. 11 and 12. This is an erroneous reading of Ragheb. As an ordinary artisan would recognize, polymerization of unsaturated monomers forms a polymer, which is a saturated compound. For example, polymerization of ethylene forms polyethylene, which is an electronically saturated, stable polymer. Polymerization of a monomer having two polymerizable groups, e.g., forms a saturated polymer according to the following scheme (Scheme I):



Therefore, polymerization of a monomer having two or more polymerizable groups such as acrylate groups, will not form an unsaturate polymer but rather, a saturate polymer with dendrimeric structure as shown in Scheme I. To form an unsaturate polymer, one must introduce polymerizable group(s) into a saturated polymer, which can be achieved by attaching one or more polymerizable groups to a saturated polymer. To clarify this aspect of an unsaturated polymer, claim 65 is amended to recite “wherein the unsaturated polymer comprises at least one polymerizable group.”

From the above discussion, particularly Scheme I, an ordinary artisan can readily see that Ragheb does not describe an unsaturated polymer that includes polymerizable groups. The C-C double bond as mentioned at col. 11, line 24 refers to the unsaturation of a MONOMER for forming a polymer described therein by photopolymerization. The multifunctional acrylates described at col. 11, lines 30-39 refers to the multi-polymerizable groups in a MONOMER that can undergo photopolymerization.

Accordingly, claim 65 is patentable over Ragheb under 35 U.S.C. 102(b). Claims 66 and 67 depend from claim 65 and are patentably allowable over Ragheb for at least the same reason.

Rejections under 35 U.S.C. §112

Claims 65-67 are rejected under 35 U.S.C. §112, first paragraph as allegedly lacking enablement. Applicants believe the amendment to claim 65 cures this deficiency.

The undersigned authorizes the examiner to charge any fees that may be required or credit of any overpayment to be made to Deposit Account No. 07-1850.

CONCLUSIONS

Withdrawal of the rejection and allowance of the claims are respectfully requested. If the Examiner has any suggestions or amendments to the claims to place the claims in condition for allowance, applicant would prefer a telephone call to the undersigned attorney for approval of an Examiner's amendment. If the Examiner has any questions or concerns, the Examiner is invited to telephone the undersigned attorney at (415) 393-9885.

Date: January 9, 2007
Squire, Sanders & Dempsey L.L.P.
One Maritime Plaza, Suite 300
San Francisco, CA 94111
Telephone (415) 393-9885
Facsimile (415) 393-9887

Respectfully submitted,



Zhaoyang Li, Ph.D., Esq.
Reg. No. 46,872